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David Andrew Matthews

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EXAMINER

SHIH, HAOSHIAN

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/690,816	Applicant(s) MATTHEWS ET AL.	
	Examiner HAOSHIAN SHIH	Art Unit 2173	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 October 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24,30 and 31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24,30 and 31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-24 and 30-31 are pending in this application and have been examined in response to application amendment filed on 10/30/2009.
2. Application effective date: 10/23/2003.
3. The previously applied rejection under USC 112 is hereby withdrawn in view of applicant's amendment.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. **Claims 1-2 and 12 are rejected under 35 U.S.C. 102(b) as being unpatentable by Microsoft XP operating system (XP).**

6. As to **INDEPENDENT** claim 1, XP discloses in a computer system having a processor, memory, and data storage subsystems, a computer generated graphical user interface for accepting user input commands comprising: a first area containing a compact listing of menu item (menu items such as "Internet", "E-mail" and "Calculator" are displayed in the first area), the first area further comprising:

Art Unit: 2173

An operating system section consisting of commonly accessed operating system specific items and a single menu item expanding access to all other operating specific items (pg.1, pg.4; operating system specific menu items such as "Control Panel", Set Program Access and Def..." and "Printers and Faxes" are displayed, wherein the "Control Panel" menu item expands access to other operating specific items); and
an application program section consisting of commonly accessed application program specific items and a single menu item expanding access to all other application program specific items (pg.1, pg.5; application specific menu items such as "Internet Explorer" and "Adobe Acrobat..." are displayed, wherein "All programs" menu item expands access to other application specific items);

wherein the operating system section is grouped completely separately from the application program section; (pg.1, operating system specific menu items such as "Control Panel", Set Program Access and Def..." and "Printers and Faxes" are group separately from application program specific items such as "Internet Explorer", "Adobe Acrobat..." and "SnagIt 7" by a plurality of dividers/lines); and

a second area that includes an icon selected from a set of icons based on the location of a pointer relative to the menu items (pg.2, a specific icon is selected from a list of icons displayed on the start menu based on a pointer selection);

wherein the first and second areas do not overlap (pg.1, the area that displays the icon for the menu item "Internet Explorer" and the area that displays the menu item "Internet Explorer" are displayed next to each other without overlapping).

Art Unit: 2173

wherein the graphical user interface is part of an operating system shell (pg.1, the XP start menu is a part of the Windows XP operating system shell).

7. As to claim 2, XP discloses wherein the first area is a start menu (pg.2).

8. As to claim 12, XP discloses wherein the icon is located immediately adjacent to the start menu (pg.1).

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 3-8 and 10-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over XP in view of YZ dock.

11. As to claims 3, XP does not disclose wherein the icon is an animated icon.

In the same field of endeavor, YZ dock discloses wherein the icon is an animated icon (pg.1-3; the icons are animated based on user interactions).

Art Unit: 2173

It would have been obvious to one of ordinary skill in the art, having the teaching of XP and YZ dock before him at the time the invention was made, to modify the menu item interface taught by XP to include an animated selection emphasis taught by YZ dock with the motivation being to provide an interactive cue to capture/retain user's attention.

12. As to claim 4, YZ dock discloses wherein the animated icon appears as hovering over at least a portion of the second area (pg.1, the icon that represents System information appears to be hovering over the gray area behind the icon).

13. As to claim 5, YZ dock discloses wherein the animated icon is three-dimensional in appearance (pg.1, the icon that represents System information has the appearance of height, width and length).

14. As to claim 6, XP discloses [a menu item] located in the operating system shell (pg.3). YZ dock discloses wherein the hovering of the animated icon comprises a three-dimensional appearing object (pg.1).

15. As to claim 7, YZ dock discloses the animated icon further appears reflected in the start menu to give a further three-dimensional hovering effect (pg.1, the different shadings on the icons gives sense of a light source reflecting off the icons) .

Art Unit: 2173

16. As to claim 8, YZ dock discloses wherein the animated icon appears as rocking from side-to-side (pg.1, pg.2; the icon rocks from one side to another side).

17. As to claim 10, XP discloses wherein the icon is contextually related to an item in the start menu over which the pointer is located (pg.2; the icon "e" is contextually related to the menu item "Internet Explorer"). YZ dock disclose wherein the [icon is] animated (pg.1-2).

18. As to claim 11, YZ dock discloses wherein the contextually related icon provides an indication of an action that will occur if the menu item is selected (pg.1-2; the icon rocks up and down to confirm a user selection).

19. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over XP, YZ dock and in view of Rosendahl et al. (Rosendahl, US Patent 5,452,414).

20. As to claim 9, XP and YZ dock do not disclose the animated icon rotates based on the movement of the pointer.

In the same field of endeavor, Rosendahl discloses the icon rotates based on the movement of the pointer (col 4, line 13-15).

Art Unit: 2173

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention to combine the teachings of XP and YZ dock and the teaching of Rosendahl in order to provide additional information associated with the icon (Rosendahl, col.1, lines 60-64).

21. Claims 13 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over XP in view of Gardner et al. (Gardner, US 7,003,734).

22. As to **INDEPENDENT** claim 13, XP discloses a method for providing visual feedback in a graphical user interface having a menu comprising a compact listing of displayed menu items, each menu item being associated with an icon different in appearance from the associated menu item, comprising the steps of: receiving a first user input that causes a pointer to be located over a menu item of an operating system section, the operating system section consisting of commonly accessed operating system specific items and a single menu item expanding access to all other operating system specific items (pg.1, pg.4; operating system specific menu items such as "Control Panel", Set Program Access and Def..." and "Printers and Faxes" are displayed, wherein the "Control Panel" menu item expands access to other operating specific items);

Receiving a second user input that causes a pointer to be located over a menu item of an application program section, the application program section consisting of

Art Unit: 2173

commonly accessed application program specific items and a single menu item expanding access to all other application program specific items (pg.1, pg.5; application specific menu items such as "Internet Explorer" and "Adobe Acrobat..." are displayed, wherein "All programs" menu item expands access to other application specific items);

the distinct area remains in a fixed position relative to the pointer (pg.2, the area that displays the icon that is related to the a specific menu item remains fixed next to the menu item);

the distinct area does not overlap the menu item (pg.1, the area that displays the icon for the menu item "Internet Explorer" and the menu item "Internet Explorer" are displayed next to each other without overlapping); and

the graphical user interface is part of an operating system shell (pg.1, the XP start menu is a part of the Windows XP operating system shell).

The icon provides an indication of an action that will occur if the displayed menu item is selected (pg.2, selecting the internet explorer will launch a browser to browse the internet); and

The operating system section is grouped completely separately from the application program section (pg.1, operating system specific menu items such as "Control Panel", Set Program Access and Def..." and "Printers and Faxes" are group separately from application program specific items such as "Internet Explorer", "Adobe Acrobat..." and "SnagIt 7" by a plurality of dividers/lines);

XP does not disclose in response to the first user input, displaying in a distinct area of the graphical user interface the icon associated with the menu item; in response

Art Unit: 2173

to the second user input, displaying in another distinct area of the graphical user interface the icon associated with that application program specific menu item

In the same field of endeavor, Gardner discloses in response to the first user input, displaying in a distinct area of the graphical user interface the icon associated with the menu item (fig.3, "100", "120"; col.6, lines 38-42); [and] in response to the second user input, displaying in another distinct area of the graphical user interface the icon associated with that application program specific menu item (fig.3, "100", "120"; col.6, lines 38-42);

It would have been obvious to one of ordinary skill in the art, having the teaching of XP and the teaching of Gardner before him at the time the invention was made, to modify the menu item interface taught by XP to include a hot spot sub area selection emphasis taught by Gardner with the motivation being to provide additional visually perceivable information to capture/retain user's attention (Gardner, col.3, lines 48-52).

23. As to **INDEPENDENT** claim 19, discloses a computer-readable storage medium having computer-executable instructions for providing visual feedback in a graphical user interface having a menu comprising a plurality of displayed menu items, each menu item being associated with an icon different from the associated menu item, by performing the steps comprising: receiving user input that causes a pointer to be located over a menu item, (pg.1, operating system specific menu items such as "Control

Art Unit: 2173

Panel”, Set Program Access and Def...” and “Printers and Faxes” are group separately from application program specific items such as “Internet Explorer”, “Adobe Acrobat...” and “SnagIt 7” by a plurality of dividers/lines), the menu further comprising:

An operating system section consisting of commonly accessed operating system specific items and a single menu item expanding access to all other operating specific items (pg.1, pg.4; operating system specific menu items such as “Control Panel”, Set Program Access and Def...” and “Printers and Faxes” are displayed, wherein the “Control Panel” menu item expands access to other operating specific items); and

an application program section consisting of commonly accessed application program specific items and a single menu item expanding access to all other application program specific items (pg.1, pg.5; application specific menu items such as “Internet Explorer” and “Adobe Acrobat...” are displayed, wherein “All programs” menu item expands access to other application specific items);

wherein the operating system section is grouped completely separately from the application program section (pg.1, operating system specific menu items such as “Control Panel”, Set Program Access and Def...” and “Printers and Faxes” are group separately from application program specific items such as “Internet Explorer”, “Adobe Acrobat...” and “SnagIt 7” by a plurality of dividers/lines);

wherein the distinct area does not overlap the menu item (pg.1, the area that displays the icon for the menu item “Internet Explorer” and the menu item “Internet Explorer” are displayed next to each other without overlapping); [and]

Art Unit: 2173

wherein the graphical user interface is part of an operating system shell (pg.1, the XP start menu is a part of the Windows XP operating system shell).

XP does not disclose in response to the user input, displaying in a distinct area of the graphical user interface the icon associated with the menu item;

In the same field of endeavor, Gardner discloses in response to the user input, displaying in a distinct area of the graphical user interface the icon associated with the menu item (fig.3, "100", "120"; col.6, lines 38-42);

It would have been obvious to one of ordinary skill in the art, having the teaching of XP and the teaching of Gardner before him at the time the invention was made, to modify the menu item interface taught by XP to include a hot spot sub area selection emphasis taught by Gardner with the motivation being to provide additional visually perceivable information to capture/retain user's attention (Gardner, col.3, lines 48-52).

24. Claim 14-18 and 20-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over XP, Gardner and in view of YZ dock.

25. As to claim 14, XP and Gardner do not disclose wherein the icon is an animated icon.

Art Unit: 2173

In the same field of endeavor, YZ dock discloses wherein the icon is an animated icon (pg.1-3; the icons are animated based on user interactions).

It would have been obvious to one of ordinary skill in the art, having the teaching of XP and YZ dock before him at the time the invention was made, to modify the menu item interface taught by XP to include an animated selection emphasis taught by YZ dock with the motivation being to provide an interactive cue to capture/retain user's attention.

26. As to claim 15, XP discloses wherein the menu is a start menu (pg.2).

27. As to claims 16, XP discloses wherein the icon is contextually related to the animated icon's associated menu item in the start menu (pg.2; the icon "e" is contextually related to the menu item "Internet Explorer"). YZ dock disclose wherein the [icon is an] animated (pg.1-2).

28. As to claim 18, XP discloses wherein the animated icon is a predefined object type in the shell namespace, wherein the shell namespace organizes a file system of the operating system shell into a single tree-structure hierarchy (pg.6). YZ dock disclose wherein the [icon is] animated (pg.1-2).

29. As to claim 20, XP and Gardner do not disclose wherein the icon is an animated icon.

In the same field of endeavor, YZ dock discloses wherein the icon is an animated icon (pg.1-3; the icons are animated based on user interactions).

It would have been obvious to one of ordinary skill in the art, having the teaching of XP and Gardner and the teaching of YZ dock before him at the time the invention was made, to modify the menu item interface taught by XP and Gardner to include an animated selection emphasis taught by YZ dock with the motivation being to provide an interactive cue to capture/retain user's attention.

30. As to claim 21, XP discloses wherein the menu is a start menu (pg.2).

31. As to claim 22, XP discloses wherein the icon is contextually related to the animated icon's associated menu item in the start menu (pg.2; the icon "e" is contextually related to the menu item "Internet Explorer"). YZ dock disclose wherein the [icon is] animated (pg.1-2).

32. As to claim 24, XP discloses wherein the animated icon is a predefined object type in the operating system shell (pg.3). YZ dock disclose wherein the [icon is an] animated (pg.1-2).

Art Unit: 2173

33. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over XP, Gardner, YZ dock and in view of Viellescaze et al. (Viellescaze, US 2004/0179043 A1).

34. As to claim 17, XP, Gardner and YZ dock do not disclose the wherein the displaying step further comprises an introduction animation element that causes the animated icon to move and flip; a looping animation; and an ending animation that changes the icon back to its original appearance.

In the same field of endeavor, Viellescaze discloses displaying step further comprises an introduction animation element that causes the animated icon ([0049], the dimension of the animated “agent” can be reduced to the size of an icon) to move and flip ([0195], the animated icon is associated with a series predefined movements); a looping animation ([0205]); and an ending animation that changes the icon back to its original appearance ([0216]).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention to combine the teachings of XP, Gardner and YZ dock and the teaching of Viellescaze in order to provide an interactive interface in order to capture/retain user’s attention (Viellescaze, [0001]).

Art Unit: 2173

35. Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over XP, Gardner and in view of Viellescaze.

36. As to claim 23, XP and Gardner do not disclose the wherein the displaying step further comprises an introduction animation element that causes the animated icon to move and flip; a looping animation; and an ending animation that changes the icon back to its original appearance.

In the same field of endeavor, Viellescaze discloses displaying step further comprises an introduction animation element that causes the animated icon ([0049], the dimension of the animated “agent” can be reduced to the size of an icon) to move and flip ([0195], the animated icon is associated with a series predefined movements); a looping animation ([0205]); and an ending animation that changes the icon back to its original appearance ([0216]).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention to combine the teachings of XP and Gardner and the teaching of Viellescaze in order to provide an interactive interface in order to capture/retain user’s attention (Viellescaze, [0001]).

37. Claims 30-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over XP in view of Rosendahl.

38. As to **INDEPENDENT** claim 30, XP discloses one or more computer readable storage media containing computer readable instructions embodied thereon for providing, as part of an operating system shell, a computer generated graphical user interface for accepting user input commands, said graphical user interface comprising:

a pointer for selecting menu items and icons (pg.2, a cursor selecting a menu item "Internet Explorer");

a start menu divided into a compact listing of discrete sections, a first section consisting of commonly accessed operating system specific menu items and a single menu item expanding access to all other operating system specific items (pg.1, pg.4; operating system specific menu items such as "Control Panel", Set Program Access and Def..." and "Printers and Faxes" are displayed, wherein the "Control Panel" menu item expands access to other operating specific items), the first section grouped separately from a second section consisting of commonly accessed application program specific menu items and a single menu item expanding access to all other application program specific items; and (pg.1, pg.5; application specific menu items such as "Internet Explorer" and "Adobe Acrobat..." are displayed, wherein "All programs" menu item expands access to other application specific items);

wherein the icon is displayed in a different, non-overlapping discrete section from its corresponding menu item (pg.1, the area that displays the icon for the menu item "Internet Explorer" and the menu item "Internet Explorer" are displayed next to each other without overlapping).

XP does not disclose an animated three-dimensional appearing icon that moves side-to-side so that the users can see the edges rotating, and the icon changes appearance based on the menu item over which the pointer is located; and wherein the animated three-dimensional appearing icon provides an animated indication of a first action that will occur if a first menu item is selected, and further morphs into a second appearance when the pointer moves over a second menu item to provide an animated indication of a second action that will occur if the second menu item is selected

In the same field of endeavor, Rosendahl discloses an animated three-dimensional appearing icon that moves side-to-side so that the users can see the edges rotating, and the icon changes appearance based on the menu item over which the pointer is located (col 4, line 13-15); and

wherein the animated three-dimensional appearing icon provides an animated indication of a first action that will occur if a first menu item is selected, and further morphs into a second appearance when the pointer moves over a second menu item to provide an animated indication of a second action that will occur if the second menu item is selected (col.4, lines 16-19; the icon transitions/morphs from a first face to a second face based on user interaction).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention to combine the teachings of XP and the teachings of Rosendahl in order to provide additional information associated to the icon (Rosendahl, col.1, lines 60-64).

39. As to claim 31, Rosendahl discloses the computer generated user interface of the side-to-side movement of the three-dimensional appearing icon is determined in real-time in response to a movement of the pointer (col 4, line 06-15).

Response to Arguments

Applicant's arguments filed 10/30/2009 have been fully considered but they are not persuasive.

40. Applicant argues XP does not disclose a Menu item to expand all other operating system specific items.

In response to applicant's argument, XP discloses a "Control Panel" menu item that expands access to other operating specific items (pg.1, pg.4).

41. Applicant argues XP does not describe a completely separated application program section from an operating system section.

In response to applicant's argument, XP discloses operating system specific menu items such as "Control Panel", Set Program Access and Def..." and "Printers and Faxes" are group completely separately from application program specific items such as

Art Unit: 2173

“Internet Explorer”, “Adobe Acrobat...” and “Snagit 7” by a plurality of dividers/lines (pg.1).

42. Applicant argues YZ dock does not disclose indicating an action will occur if an icon is selected.

In response to applicant’s argument, YZ dock discloses a selection emphasis via icon motion to indicate that an icon is selected and an application associated with the icon will be launched upon selection (pg.1-2; the icon rocks up and down to confirm a user selection).

43. Applicant argues Rosendahl does not disclose an animated icon morphing from one appearance to another appearance in response to a pointer moving from a first menu item to a second menu item.

In response to applicant’s argument, Rosendahl discloses the icon transitions/morphs from a first face to a second face based on user interactions (col.4, lines 16-19).

Conclusion

44. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to HAOSHIAN SHIH whose telephone number is (571)270-1257. The examiner can normally be reached on m-f 0730-1700.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kieu Vu can be reached on (571) 272-4057. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

Art Unit: 2173

USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

HSS

/Kieu Vu/

Supervisory Patent Examiner, Art Unit 2173